
Introduced by Senator Dunn

January 9, 2002

An act to amend Section 17591 of the Business and Professions Code, relating to advertising.

LEGISLATIVE COUNSEL'S DIGEST

SB 1258, as introduced, Dunn. Advertising.

Existing law requires the Attorney General, not later than January 1, 2003, to maintain a “do not call” list, containing the telephone numbers and ZIP Codes of residential or wireless telephone subscribers who do not wish to receive unsolicited and unwanted telephone calls from telephone solicitors. Existing law requires the Attorney General to triennially charge subscribers to the “do not call” list a fee not to exceed \$1.

This bill would delete the authority of the Attorney General to impose fees on subscribers to the “do not call” list.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17591 of the Business and Professions
2 Code is amended to read:
3 17591. (a) The Attorney General shall not later than January
4 1, 2003, maintain a “do not call” list, updated no less frequently
5 than quarterly, which shall set forth the California telephone
6 numbers and ZIP Codes, but not the names or addresses, of
7 subscribers, arranged by area code and numerical sequence, who
8 do not wish to receive unsolicited and unwanted telephone calls

1 from telephone solicitors as defined in Section 17592. The “do not
2 call” list shall indicate any exclusions designated by the subscriber
3 as provided in subdivision (b).

4 (b) Subscribers may place their telephone numbers and ZIP
5 Codes on the “do not call” list in the manner prescribed by the
6 Attorney General. The subscriber’s placement on the “do not call”
7 list shall expire three years after the date on which the subscriber’s
8 telephone number and ZIP Code first became available on the list
9 to telephone solicitors. ~~The Attorney General shall triennially~~
10 ~~charge these subscribers a fee not to exceed one dollar (\$1.00). A~~
11 subscriber may exclude from the coverage of the “do not call” list
12 telephone calls from entities identified by the subscriber. The
13 subscriber shall designate any exclusions in the manner prescribed
14 by the Attorney General.

15 (c) Telephone solicitors, as defined in Section 17592, shall
16 obtain copies of the “do not call” list by paying a fee to the
17 Attorney General in an amount not to exceed the costs incurred by
18 the Attorney General in the preparation, maintenance, production,
19 and distribution of that list. The Attorney General shall establish
20 a sliding scale fee schedule, charging a telephone solicitor with
21 more than 1,000 employees or independent contractors the
22 maximum fee and charging a telephone solicitor with fewer than
23 five full-time employees no fee. The Attorney General shall
24 provide a telephone solicitor the option of paying this fee on a
25 quarterly or annual basis. The Attorney General shall offer a
26 statewide list and shall also offer lists of areas within the state. The
27 determination of the number and definition of areas shall be within
28 the discretion of the Attorney General.

29 (d) The Attorney General shall utilize the best available,
30 cost-effective technology to ensure that subscribers may easily
31 place their telephone numbers on the “do not call” list. This
32 technology includes, but is not limited to, methods by which a
33 subscriber may effect placement on the list by using a
34 state-designated Internet Web site or a designated, statewide
35 toll-free telephone number. When the subscriber utilizes the
36 toll-free telephone number method, the subscriber shall call from
37 the telephone that is also the number to be included on the list. The
38 Attorney General shall also utilize the best available,
39 cost-effective technology to ensure that telephone solicitors may
40 easily obtain and manipulate the “do not call” list. This



1 technology may include, but is not limited to, methods that are
2 computer compatible and that allow the downloading of the list
3 and the sorting of the list by ZIP Code and that make the list
4 available on CD-ROM. The Attorney General may contract with
5 a private vendor to establish, maintain, and administer the “do not
6 call” list and a contract entered into in that regard shall include
7 appropriate provisions to protect the confidentiality of subscriber
8 information. The Attorney General may promulgate regulations to
9 implement the provisions of this article.

10 (e) It is the intent of the Legislature that the fees paid to the
11 Attorney General by telephone solicitors ~~and subscribers~~ be
12 utilized by the Attorney General in carrying out this article. The
13 Attorney General shall annually reduce the amount of the fee paid
14 by ~~subscribers and~~ telephone solicitors set forth in this section
15 based on revenue history and costs so that the fees do not exceed
16 the actual estimated costs in carrying out this article. The fees
17 obtained by the Attorney General shall be deposited in the Special
18 Telephone Solicitors Fund, which is hereby created. All moneys
19 in the fund shall be subject to annual appropriation in the Budget
20 Act.

21 (f) A person or entity that obtains a “do not call” list shall not
22 use the list for any purpose other than to comply with this article.
23 These unlawful purposes include, but are not limited to, causing
24 a subscriber to participate in and be included on, the “do not call”
25 list without the subscriber’s knowledge or consent, selling or
26 leasing the “do not call” list to a person other than a telephone
27 solicitor, selling or leasing by a telephone solicitor of the “do not
28 call” list, and a telephone solicitor, either directly or indirectly,
29 persuading a subscriber with whom it has an established business
30 relationship to place his or her telephone number on the “do not
31 call” list, if the solicitation has the effect of preventing competitors
32 from contacting that solicitor’s customers.

